

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - X
UNITED STATES OF AMERICA :
 :
 - v. - :
 :
DORIAN FRUNGILLO, :
 a/k/a "Dorian Russo," :
 :
 Defendant. :
 :
- - - - - X

INFORMATION

S1 12 Cr. 963 (WHP)

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 12/19/13

COUNT ONE

The United States Attorney charges:

1. From at least in or about 2006 up to and including in or about 2011, in the Southern District of New York and elsewhere, DORIAN FRUNGILLO, a/k/a "Dorian Russo," the defendant, and others known and unknown, intentionally and knowingly did combine, conspire, confederate, and agree together and with each other to violate the controlled substance laws of the United States.

2. It was a part and an object of the conspiracy that DORIAN FRUNGILLO, a/k/a "Dorian Russo," the defendant, and others known and unknown, would and did distribute and possess with the intent to distribute a controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

3. The controlled substances involved in the offense were (i) Sibutramine, Phentermine, Alprazolam, Diazepam, Lorazepam,

Clonazepam, and Zolpidem, Schedule IV controlled substances, in violation of 21 U.S.C. § 841(b)(2), and (ii) Hydrocodone, a Schedule III controlled substance, in violation of 21 U.S.C. § 841(b)(1)(E).

(Title 21, United States Code, Section 846.)

COUNT TWO

The United States Attorney further charges:

4. From at least on or about April 13, 2009, up to and including in or about 2011, in the Southern District of New York and elsewhere, DORIAN FRUNGILLO, a/k/a "Dorian Russo," the defendant, and others known and unknown, intentionally and knowingly combined, conspired, confederated, and agreed together and with each other to violate the controlled substance laws of the United States.

5. It was a part and an object of the conspiracy that DORIAN FRUNGILLO, a/k/a "Dorian Russo," the defendant, and others known and unknown, would and did deliver, distribute, and dispense controlled substances by means of the Internet and did aid and abet said activity in a manner not authorized by Subchapter I of Chapter 13 of Title 21, United States Code, in violation of 21 U.S.C. § 841(h)(1)(A) - (B).

6. It was a further part and an object of the conspiracy that DORIAN FRUNGILLO, a/k/a "Dorian Russo," the defendant, and others known and unknown, would and did use the Internet, and cause

the Internet to be used, to advertise the sale of and to offer to sell, distribute, and dispense, a controlled substance where such sale, distribution, and dispensing was not authorized by Subchapter I of Chapter 13 of Title 21, United States Code and the Controlled Substances Import and Export Act, in violation of Title 21, United States Code, Sections 843(c)(2)(A) and 843(d)(1).

7. The controlled substances involved in the offense were (i) Sibutramine, Phentermine, Alprazolam, Diazepam, Lorazepam, Clonazepam, and Zolpidem, Schedule IV controlled substances, in violation of 21 U.S.C. § 841(b)(2), and (ii) Hydrocodone, a Schedule III controlled substance, in violation of 21 U.S.C. § 841(b)(1)(E).

(Title 21, United States Code, Section 846.)

COUNT THREE

The United States Attorney further charges:

8. From in or about 2006, up to and including in or about 2011, in the Southern District of New York and elsewhere, DORIAN FRUNGILLO, a/k/a "Dorian Russo," the defendant, and others known and unknown, intentionally and knowingly did combine, conspire, confederate and agree together and with each other to violate the controlled substance laws of the United States.

9. It was a part and an object of the conspiracy that DORIAN

FRUNGILLO, a/k/a "Dorian Russo," the defendant, and others known and unknown, would and did import into the United States from a place outside thereof a controlled substance, in violation of Sections 812, 952(a), 952(b) and 960(a)(1) of Title 21, United States Code.

10. The controlled substances involved in the offense were (i) Sibutramine, Phentermine, Alprazolam, Diazepam, Lorazepam, Clonazepam, and Zolpidem, Schedule IV controlled substances, in violation of 21 U.S.C. § 960(b)(6), and (ii) Hydrocodone, a Schedule III controlled substance, in violation of 21 U.S.C. § 960(b)(5).

(Title 21, United States Code, Section 963.)

COUNT FOUR

The United States Attorney further charges:

11. In or about October and November 2009, in the Southern District of New York and elsewhere, DORIAN FRUNGILLO, a/k/a "Dorian Russo," the defendant, knowingly did distribute and possess with intent to distribute a controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1).

12. The controlled substances involved in the offense were (i) Sibutramine, a Schedule IV controlled substance, in violation of Title 21, United States Code, Section 841(b)(2), and (ii) Hydrocodone, a Schedule III controlled substance, in violation of

Title 21, United States Code, Section 841(b)(1)(E).

(Title 21, United States Code,
Sections 841(a)(1), (b)(1)(E), and (b)(2).)

COUNT FIVE

The United States Attorney further charges:

13. From at least in or about 2006, up to and including in or about 2011, in the Southern District of New York and elsewhere, DORIAN FRUNGILLO, a/k/a "Dorian Russo," the defendant, and others known and unknown, willfully and knowingly did combine, conspire, confederate, and agree together and with each other to violate Title 18, United States Code, Section 1956.

14. It was a part and an object of the conspiracy that DORIAN FRUNGILLO, a/k/a "Dorian Russo," the defendant, and others known and unknown, knowing that the property involved in certain financial transactions represented the proceeds of some form of unlawful activity, willfully and knowingly would and did conduct and attempt to conduct such financial transactions which in fact involved the proceeds of specified unlawful activity, to wit, the proceeds of illegal controlled substance transactions, with the intent to promote the carrying on of specified unlawful activity, to wit, trafficking in controlled substances, in violation of Title 18, United States Code, Section 1956(a)(1)(A)(i).

15. It was a further part and an object of the conspiracy that DORIAN FRUNGILLO, a/k/a "Dorian Russo," the defendant, and others known and unknown, willfully and knowingly would and did transport, transmit and transfer, and attempt to transport, transmit and transfer monetary instruments and funds from a place in the United States to and through a place outside the United States, and to a place in the United States from and through a place outside the United States, with the intent to promote the carrying on of specified unlawful activity, to wit, FRUNGILLO transmitted funds, via wire transfer, to a bank account in the United States from a place outside the United States with the intent to promote illegal controlled substance transactions, in violation of Title 18, United States Code, Section 1956(a)(2)(A).

(Title 18, United States Code, Section 1956(h).)

FORFEITURE ALLEGATION
(Counts One Through Four)

16. As a result of committing the controlled substance offenses alleged in Counts One through Four of this Information, DORIAN FRUNGILLO, a/k/a "Dorian Russo," the defendant, shall forfeit to the United States pursuant to 21 U.S.C. § 853, any and all property constituting or derived from any proceeds the said defendant obtained directly or indirectly as a result of the said violations and any

and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the said violations.

17. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty; it is the intent of the United States, pursuant to 18 U.S.C. § 981 and 21 U.S.C. § 853(p), to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property.

(Title 21, United States Code, Sections 846 and 853.)

FORFEITURE ALLEGATION
(Count Five)


18. As a result of committing the money laundering offense alleged in Count Five of this Information, DORIAN FRUNGILLO, a/k/a "Dorian Russo," the defendant, shall forfeit to the United

States pursuant to 18 U.S.C. § 982(a)(1), all property, real and personal, involved in the offense and all property traceable to such property.

19. If any of the above described forfeitable property, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty; it is the intent of the United States, pursuant to 18 U.S.C. § 982(b), to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property.

(Title 21, United States Code, Sections 982(a)(1) and 982(b).)



PREET BHARARA
United States Attorney

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

DORIAN FRUNGILLO,
a/k/a "Dorian Russo,"

Defendant.

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(21 U.S.C. §§ 812, 841, 843, 846, 963;
18 U.S.C. § 1956(h).)

PREET BHARARA
United States Attorney.

12/19/13 DEFT FRUNGILLO PMS W/ATTY MR. DNATEL
AUSA KOBRE PMS
DEFT WAIVES INDICTMENT AND PLEAS GUILTY TO CTS 1-5
JUDGE COST RECOMMENDS THAT JUDGE PARRY ACCEPT THIS PLEA
PSA NOT ONDOING CONTROL DATE OF 3/19/14
DEFT DETAINED

COTT USMD